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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,015	09/07/2000	TOSHIAKI SAITO	35.C14780	2283
5514	7590	05/19/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			LETT, THOMAS J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2626

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,015

Applicant(s)

SAITO, TOSHIAKI

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the term "HIIGH" should be changed to read "HIGH" in S806 and S807 of Fig. 9, and S1306 and S1307 of Fig. 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou (US Patent 6,144,459 A) in view of Nakajima (US Patent 5,392,133). Satou discloses:
the invented facsimile machine 1 communicates with a distant facsimile machine 2 (col 3, lines 16-18), which reads on a communication circuit for performing communications with an opposite device;
the facsimile machine 1 also has a random-access memory or RAM 17. Part of the RAM 17 is used as a buffer memory 18 for storing received facsimile image data (col 3, lines 51-53). A printing unit 8 is also a part of the facsimile machine 1 that also

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accesses the RAM 17, which reads on a printer unit for recording an image received by the communication circuit in a recording medium;

part of the RAM 17 is used as a buffer memory 18 for storing received facsimile image data (col 3, lines 52-53), which reads on a memory for storing the image; and

if the CPU 11 detects that the facsimile machine 1 is in a print-disabled condition, such as an out-of-toner condition, an out-of-paper condition, or a paper-jammed condition, the CPU 11 stores all received facsimile image data in the buffer memory 18 (col 4, lines 8-12), which reads on setting means for setting validation or invalidation of an alternative memory reception function to store the received image in the memory if printing is inexecutable in the printer unit.

Satou does not disclose expressly a communication control means for making color reception ability declaration in self machine ability declaration for the communications with the opposite device, if the alternative memory reception function is set to be valid by the setting means. Nakajima discloses an NSF signal and a DIS signal sent from the receiving station function to transfer the faculty of the apparatus of the receiving station to the transmitting station. In the present embodiment, the NSF signal is used to convey to the transmitting station whether the receiving station has a receiving and reproducing function of color image data, and the DIS signal is used to convey to the transmitting station a resolution at which the receiving station can record or display (col 4, lines 31-39). Satou and Nakajima are analogous art because they are from the similar problem solving area of communicating an image device's functionality. At the time of the invention, it would have been obvious to a person of ordinary skill in

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the art to add the feature of Nakajima to Satou in order to obtain an apparatus that communicates its ability to perform a function to another device. The motivation for doing so would be to save resources.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou (US Patent 6,144,459 A) in view of Nakajima (US Patent 5,392,133). Satou discloses:

the invented facsimile machine 1 communicates with a distant facsimile machine 2 (col 3, lines 16-18), which reads on a communication circuit for performing communications with an opposite device;

part of the RAM 17 is used as a buffer memory 18 for storing received facsimile image data (col 3, lines 52-53), which reads on a memory for storing the image;

the CPU 11 detects that the facsimile machine 1 is in a print-disabled condition (col 4, lines 8-9), which reads on detecting means for detecting a state of the printer unit; and

if the CPU 11 detects that the facsimile machine 1 is in a print-disabled condition, such as an out-of-toner condition, an out-of-paper condition, or a paper-jammed condition, the CPU 11 stores all received facsimile image data in the buffer memory 18 (col 4, lines 8-12), which reads on setting means for setting validation or invalidation of an alternative memory reception function to store the received image in the memory if printing is inexecutable in the printer unit.

Satou does not disclose expressly a printer unit for color or monochrome-printing an image received by the communication circuit in a recording medium and a communication control means for performing control as to whether color reception

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ability declaration is made in self machine ability declaration during call incoming according to a detecting result of the detecting means, if the alternative memory reception function is set to be invalid by the setting means. Nakajima discloses an NSF signal and a DIS signal sent from the receiving station function to transfer the faculty of the apparatus of the receiving station to the transmitting station. In the present embodiment, the NSF signal is used to convey to the transmitting station whether the receiving station has a receiving and reproducing function of color image data, and the DIS signal is used to convey to the transmitting station a resolution at which the receiving station can record or display (col 4, lines 31-39). Satou and Nakajima are analogous art because they are from the similar problem solving area of communicating an image device's functionality. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Nakajima to Satou in order to obtain an apparatus that communicates its ability to perform a function to another device. The motivation for doing so would be to save resources.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou in view of Nakajima as applied to claim 2 above, and further in view of Fujise et al (US Patent 6,442,252 B1). Satou in view of Nakajima do not disclose that if the detecting means detects the inexecutable state of printing in the printer unit, the communication control means rejects a call. Fujise et al disclose that the state wherein the main unit 101 cannot respond to the incoming call is as follows. For example, communication to be performed when the communication terminal has received an incoming call is facsimile reception, and the printing unit 109 does not have enough printing sheets, ink,

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or toner to perform the facsimile reception, or, the DRAM 105 does not have enough capacity to store the received facsimile data and hence not all facsimile data can be received, so the facsimile reception is impossible. The CPU 102 checks the states of the printing unit 109 and/or the DRAM 105 and makes a judgement on whether the main unit 101 can respond to the incoming call. If the communication control unit 111 is not instructed "to respond" by the main unit 101 in step S403, the communication control unit 111 rejects or ignores the incoming call (col 7, line 56 - col 8, line 5). Satou in view of Nakajima and Fujise et al are analogous art because they are from the similar problem solving area of communicating an image device's functionality. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Fujise et al to Satou in view of Nakajima in order to obtain an apparatus that communicates its ability to perform a function to another device. The motivation for doing so would be to save resources.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou in view of Nakajima as applied to claim 2 above, and further in view of Moro et al (US 20020089683 A1). Satou in view of Nakajima do not disclose that the communication control means makes color reception ability declaration if the color printing is enabled in the printer unit, and does not make color reception declaration if color printing is inexecutable while monochrome printing is enabled. Moro et al disclose that the printer driver generates a print command in conformity with the setting on the "Cartridge" menu when a "Print" button is pressed. The head that has been installed in the printer is checked before the print command is transmitted to the printer. If the installed head

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agrees with the menu setting, then the print command is transmitted. If non-agreement is found, an error dialog box shown in FIG. 36 is displayed. If the "Stop" button in this dialog box is pressed, printing is suspended. If the "Continue" button is pressed, then head verification processing is executed and processing is repeated until the setting is found to agree with the actual head (p13, paragraph 203). Satou in view of Nakajima and Moro et al are analogous art because they are from the similar problem solving area of communicating an image device's functionality. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Moro et al to Satou in view of Nakajima in order to obtain an apparatus that communicates its ability to perform a function to another device. The motivation for doing so would be to save resources.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satou (US Patent 6,144,459 A) in view of Nakajima (US Patent 5,392,133) as applied to claim 2 above, and further in view of Moro et al (US 20020089683 A1). Satou (US Patent 6,144,459 A) in view of Nakajima (US Patent 5,392,133) do not disclose a color cartridge for normal color printing and a high-definition color cartridge for high-definition color printing are selectively loaded in the printing unit, the image communication apparatus further comprises second setting means for presetting permission or non-permission of received image printing carried out by using the high-definition color cartridge, and the communication control means makes no color reception ability declaration if the high-definition color cartridge is loaded and non-permission of printing carried out by using the high-definition color cartridge is set by the second setting

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means. Moro et al disclose that the printer H08 of this embodiment is a color inkjet printer and is capable of being equipped with three types of interchangeable heads. The first is a monochrome printing head, the second a color printing head and the third a photographic grade printing head (p13, paragraph 201). The printer driver generates a print command in conformity with the setting on the "Cartridge" menu when a "Print" button is pressed. The head that has been installed in the printer is checked before the print command is transmitted to the printer. If the installed head agrees with the menu setting, then the print command is transmitted. If non-agreement is found, an error dialog box shown in FIG. 36 is displayed. If the "Stop" button in this dialog box is pressed, printing is suspended. If the "Continue" button is pressed, then head verification processing is executed and processing is repeated until the setting is found to agree with the actual head (p13, paragraph 203). Satou in view of Nakajima and Moro et al are analogous art because they are from the similar problem solving area of communicating an image device's functionality. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the feature of Moro et al to Satou in view of Nakajima in order to obtain an apparatus that communicates its ability to perform a function to another device. The motivation for doing so would be to save resources.

5. Claim 6 is a method claim and is rejected for the same reason as that of claim 1.
6. Claim 7 is a method claim and is rejected for the same reason as that of claim 2.
7. Claim 8 is a method claim and is rejected for the same reason as that of claim 3.
8. Claim 9 is a method claim and is rejected for the same reason as that of claim 4.

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9. Claim 10 is a method claim and is rejected for the same reason as that of claim 5.
10. Claim 11 is a computer readable storage medium, and is rejected for the same reasons as that of claim 1.
11. Claim 12 is a computer readable storage medium, and is rejected for the same reasons as that of claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is 703-305-8733. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only).

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Hand-delivered responses should be brought to:

Crystal Park II

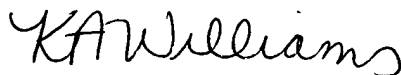
2121 Crystal Drive

Arlington, VA

Sixth Floor (Receptionist).



TJL



**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**